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WIRELESS CONSUMERS ALLIANCE INC.

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February 22, 2000

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Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
12th Street Lobby, TW-A325
Washington, D.C. 20554

Re: Ex Parte Presentation
WT Docket No. 99-328

Dear Ms. Salas:

On February 16, 2000, Mr. David R. Carey, Director of Engineering for Instrumentation Engineering, Inc. and the undersigned for Wireless Consumers Alliance met with Ms. Blaise Scinto, Mr. Dan Grosh and Mr. Patrick Forster of the FCC's Wireless Telecommunications Bureau. The purpose of the meeting was to clarify and discuss the Wireless Telecommunications Bureau Orders DA 00-132 (re Nokia, Inc.) and DA 00-253 (re Ericsson, Inc.) (collectively "the Orders"), which conditionally approved certain 911 call completion processes based on Automatic A/B Roaming – Intelligent Retry ("A/B – IR") methodology for specific multimode phones.

Mr. Carey advised that he had carefully reviewed all of the materials filed by Nokia and Ericsson in connection with their respective applications for approval of their digital/analog methods of completing 911 calls and he could not find any description of how the handsets would be able to determine whether or not the emergency call has been successfully delivered ***to the landline carrier***. It was his opinion that Nokia and Ericsson may have confused "conversation state" with the requirement in the *Second Report and Order* that the handset be able to determine if the call has been connected to the landline telephone system when using the A/B – IR method. Mr. Carey stated that, in the absence of some signal from the base station, it did not appear that the handset would know if it was connected to the landline system or not. He agreed that Nokia and Ericsson may have found a solution to this problem but was concerned that no such solutions were disclosed or discussed in the filings. Mr. Carey concluded that without such a solution the handsets would remain vulnerable to lock in. Copies of the attached documents were distributed to supplement and illustrate this concern.

No. of Copies rec'd 0+2
List A B C D E

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We now understand that, notwithstanding anything to the contrary which may be contained in the various filings, the Orders require Nokia and Ericsson to satisfy the very same requirements adopted by the Commission for the A/B – IR method in the *Second Report and Order*. We also now understand that, although the handsets using this method must be able to determine whether or not the 911 has been "successfully delivered . . to the landline carrier within 17 seconds after the call is placed," Nokia and Ericsson are not required to disclose the method(s) to be used to accomplish this result. All that is required is that the applicant(s) assure the Commission that they can and will meet such condition. While we agree that the Staff and the Commission should be able to rely on the assurances of the parties, we remain skeptical concerning the method(s) to be used by Nokia and Ericsson to meet these conditions and advised that we would be testing a number of wireless phones to ensure that they meet all of the requirements of the *Second Report and Order* and, specifically, that Automatic A/B – IR phones be able to determine whether or not the 911 call is successfully connected to the landline system, which is a critical step to avoid lock in.

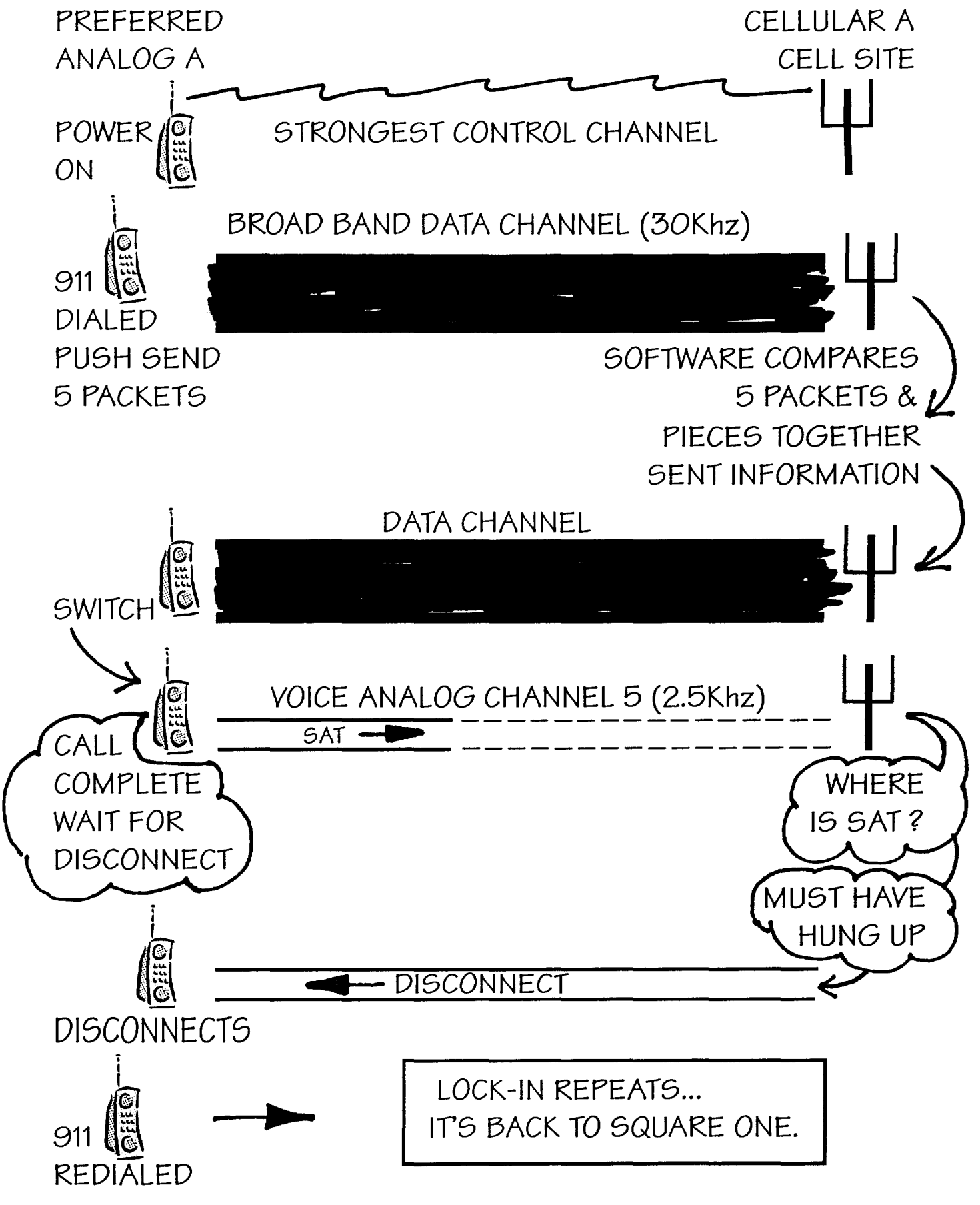
A copy of this letter and its attachments is being served on the parties who filed comments in the above referenced proceeding. Copies are also being submitted to each of the participants in the February 16 meeting. Pursuant to Section 1.1206 of the Commission's Rules, an original and two copies of this letter and its attachment are being filed with your office. If you should have any questions or need further information, please do not hesitate to contact me at (858)509-2936.

Sincerely,

Carl Hilliard

cc: Ms. Blaise Scinto
Mr. Dan Grosh
Mr. Patrick Forster
Nokia, Inc.
Ericsson, Inc.
AT&T Wireless Services, Inc.
CTIA
TIA

LOCK-IN SEQUENCE



To combat lock in the Commission provided that if A/B-IR mode is used:

"[T]he handset should seek to complete the call with the non-preferred cellular carrier if the preferred cellular carrier has not successfully *delivered the call to the landline carrier* within 17 seconds after the call is placed."

¶41. *Second Report and Order* (Emphasis added).

Ericsson

"[O]ur proposal meets the seventeen (17) second call completion/call failure rescan timer described in paragraph 41. This assessment is based upon industry design practices, which takes into account commercial operation of the networks in conjunction with the phones . . . . . Ericsson will implement the E911 call completion method described [in] our December 17, 1999 proposal, revised to include an override timer to assure network-independent compliance with the 17 second rule."

Letter of February 7, 2000 from Thomas Deitrich, VP, Business Operations.

Nokia

- **"Lock-in problem**

    - Voice and data on digital systems are identical and indistinguishable. Therefore, unlike analog systems, the chances of lock-in are negligible. Nevertheless, Nokia has proposed a recovery mechanism to remove any doubt.

    - During emergency mode, if a digital or analog voice channel assignment is received but the call is dropped, the next new emergency call is initiated on the next available system. This further assures that there is no potential for a lock-in problem to occur.

Letter of January 19, 2000 from David R. Siddall